
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : Case No. 2:09 CR 303 DB

Plaintiff, :

vs. : **ORDER**

CARL LAVERN CRITES, :

MARIE V. CRITES, and :

RICHARD R. BOURETT, :

Hon. Samuel Alba

Defendants. :

This matter came before the Court based upon a joint motion by defendants Carl Lavern Crites, Marie V. Crites and Richard R. Bourett to continue the jury trial scheduled for June 28, 2010. Defendant Marie Crites' counsel, Richard Mauro, is involved in a state homicide trial which conflicts with the trial date. Defendants assert that Mr. Mauro will be unavailable for trial, and that he needs further time to prepare for trial in this matter. Based upon the motion and good cause appearing therefore, the Court HEREBY ORDERS as follows:

1. That the trial date of June 28, 2010, be stricken.
2. That this case is set for a five-day jury trial before Judge Dee Benson, beginning on September 27, 2010, at 8:30 a.m.

4. That the period of time from June 28, 2010, until September 27, 2010, the date on which the trial commences, is excluded for purposes of speedy trial pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and (h)(7)(B)(ii). Specifically, the Court finds that any delay resulting from the unavailability of counsel for Defendants for good cause is excluded from the time within which the trial must commence.

In addition, the Court finds that this case is so unusual and complex due to the combined number of Defendants in this and related proceedings, and the evidentiary issues, that it is unreasonable to expect the parties to adequately prepare for trial proceedings within a shorter period of time. Accordingly, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(ii), the Court also finds that the ends of justice are served by excluding this period of time from the time within which the trial must commence, and taking such action outweighs the best interest of the public and the Defendants in a speedy trial.

DATED this 23rd day of June, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'S. Alba', written over a horizontal line.

SAMUEL ALBA
United States Magistrate Judge